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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

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WILLIAM A. MUNDELL
CHAIRMAN

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JIM IRVIN
COMMISSIONER

AUG 03 2001

MARC SPITZER
COMMISSIONER

AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF
THE UNION PACIFIC RAILROAD TO
CONSTRUCT A SECOND SET OF TRACKS AT
TWO EXISTING CROSSINGS OF THE UNION
PACIFIC RAILROAD AT 40TH STREET AND 48TH
STREET IN THE CITY OF PHOENIX,
MARICOPA COUNTY, ARIZONA, M.P. 910.78
AND 911.77, RESPECTIVELY.

DOCKET NO. RR-03639A-01-0544

PROCEDURAL ORDER

BY THE COMMISSION:

On July 9, 2001, the Union Pacific Railroad ("Railroad") filed with the Arizona Corporation Commission ("Commission") a request for approval to add a second set of tracks at two of its existing crossings at 40th Street and 48th Street in the City of Phoenix ("City"), Maricopa County, Arizona, at milepost 910.78 and 911.77, respectively.

On July 11, 2001, the Commission, by Procedural Order, scheduled a hearing on August 2, 2001, on the Railroad's request. The Commission also ordered the Railroad to provide certification of notice of the proceeding to the City and any other interested party.

At the outset of the proceeding, the witness for the Commission's Utilities Division indicated that the Railroad had failed to provide certification of notice to the City and any other interested party of the proceeding by providing them with a copy of the application and the Commission's Procedural Order. The witness also indicated that, thus far, an agreement on the construction had not been reached between the City and the Railroad.

Accordingly, the proceeding should be continued indefinitely until an agreement is concluded, and another hearing requested with proper notice to be provided to the City and any other interested party.


IT IS THEREFORE ORDERED that the hearing on the application of the Union Pacific Railroad to add a second set of tracks at existing crossings pursuant to A.R.S. § 40-337, et seq. shall be continued indefinitely.

1 IT IS FURTHER ORDERED that the Union Pacific Railroad shall request that the proceeding
2 be rescheduled for hearing concurrently with the filing of a copy of the completed agreement between
3 the Union Pacific Railroad and the City of Phoenix.

4 IT IS FURTHER ORDERED that within five business days of receipt of the Procedural Order
5 which reschedules the hearing on the application, the Union Pacific Railroad shall provide the City of
6 Phoenix and any other governmental entity or interested party that may be affected by the application
7 with a copy of the application and the Procedural Order which reschedules the hearing by certified
8 mail.

9 IT IS FURTHER ORDERED that the Union Pacific Railroad shall file with the
10 Commission's Docket Control proof of compliance with this Procedural Order concurrently with the
11 mailing of notice ordered herein when a hearing is next scheduled in this proceeding.

12 DATED this 3rd day of August, 2001.


15 MARC E. STERN
16 ADMINISTRATIVE LAW JUDGE

17
18 Copies of the foregoing mailed/delivered
19 this 3rd day of August, 2001 to:

20 Richard Gonzales
21 UNION PACIFIC RAILROAD COMPANY
22 19100 Slover Avenue
Bloomington, California 92316


23 Freddy Chung
24 UNION PACIFIC RAILROAD COMPANY
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25 Christopher Kempley, Chief Counsel
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27 ARIZONA CORPORATION COMMISSION
1200 West Washington Street
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28 ...

1 Don Thompson, Railroad Safety Supervisor
2 Office of Railroad Safety
3 ARIZONA CORPORATION COMMISSION
4 1200 West Washington Street
5 Phoenix, Arizona 85007

6 By:


Molly Johnson
Secretary to Marc Stern